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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/828,799

04/22/2004

Larry L. Russell

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EXAMINER

PHAM, KHANH B

ART UNIT

PAPER NUMBER

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/828,799	<b>Applicant(s)</b> RUSSELL, LARRY L.	
	<b>Examiner</b> Khanh B. Pham	<b>Art Unit</b> 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-3, 5, 7-8** are rejected under 35 U.S.C. 102(e) as being anticipated by Kelly et al. (US 5,907,322 A), hereinafter "**Kelly**".

**As per claim 1**, Kelly teaches a method of providing directed search for a website address broadcast on television (Col. 1 lines 15-30 and 55-67) comprising:

- "creating a database containing one or more website identifiers input by an advertiser associated with the television broadcast of the web site address" at Col. 3 lines 10-15;
- "permitting a user to search the database by inputting at least one of the web site identifiers" at Col. 3 lines 4-27;

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- "providing to the user a search response including one or more web site address broadcast on television" at Col. 3 lines 23-27;
- "wherein the one or more web site identifiers include at least one member of the group consisting of: a physical location where the user received the television broadcast of the web site address; a time of day or date or dates when the user received the television broadcast of the web site address; a channel number or call-letters for the station on which the web site address was broadcast; and the name of a television program the user watched when the web site address was broadcast" at Col. 3 lines 17-23.

**As per claim 2**, Kelly teaches the method of claim 1, wherein "the search response further includes information related to a web site associated with the web site address broadcast on television" at Col. 3 lines 23-27.

**As per claim 3**, Kelly teaches the method of claim 1, wherein "the one or more web site identifiers further include at least one member of the group consisting of: a product or products associated with the web site address; a service or services associated with the web site address; a subject matter of interest associated with the television program or the web site address broadcast on television; and the name of a host, celebrity or personality associated with the television program" at Col. 3 lines 17-23.

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**As per claim 5**, Kelly teaches a method for creating a directed search database of web sites broadcast on television (Col. 1 lines 15-30 and 55-67) comprising

- "providing each of a plurality of information providers access to a secured portion of the database" at Col. 3 lines 10-15;
- "providing each information provider one or more identifier categories" at Col. 3 lines 10-15;
- "allowing each information provider to store in the secured portion of the database one or more identifiers associated with a web site broadcast on television, each identifier corresponding to an identifier category" at Col. 3 lines 10-15;
- "creating a search query with the one or more identifier categories" at Col. 3 lines 15-20;
- "wherein the one or more identifiers associated with a web site broadcast on television include at least one member of the group consisting of: a physical location where the user received the television broadcast of the web site address; a time of day or date or dates when the user received the television broadcast of the web site address; a channel number or call-letters for the station on which the web site address was broadcast; and the name of a television program the user watched when the web site address was broadcast" at Col. 3 lines 5-15;

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- "wherein a user searches the database by inputting at least one identifier in the search query, and a search result including a web site associated with the input identifier is provided when the search query is executed" at Col. 3 lines 4-28.

**As per claim 7**, Kelly teaches the method of claim 5, further comprising:

"allowing each information provider to store in the secured portion of the database non-identifier information relating to the web site" at Col. 3 lines 10-15.

**As per claim 8**, Kelly teaches the method of claim 5, wherein "the one or more identifiers associated with a web site broadcast on television further include at least one member of the group consisting of: a product or products associated with the web site address; a service or services associated with the web site address; a subject matter of interest associated with the television program or the web site address broadcast on television; and the name of a host, celebrity or personality associated with the television program" at Col. 3 lines 10-25.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. **Claims 4, 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly as applied to claims 1-3, 5, 7-8 above, and in view of Toki (US 5,895,462 A), hereinafter "Toki".

**As per claims 4, 6**, Kelly teaches the method of claims 1, 5 discussed above. Kelly does not explicitly teach that "the database is password protected". However, Toki a secured address database for storing URLs which is password protected at Col. 11 lines 33-45 and Fig. 14. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement a password protected database as suggested by Toki in order to prevent unauthorized accessing and modification to the database.

### ***Response to Arguments***

6. Applicant's arguments filed July 21, 2008 have been fully considered but they are not persuasive. The examiner respectfully traverses applicant's arguments.

Regarding the objection to the Title of The Invention, applicant argued that "applicant fails to see why the title is not sufficiently descriptive" . The examiner respectfully submits that applicant's invention, as illustrated in claim 1, is directed to method of providing directed search for web site address broadcast on television, and is not directed to an "information storage and retrieval device" as suggested by the current title.

Regarding the 102 rejection based upon Kelly, Applicant argued that Kelly's system requires user to bookmark a TV event while applicant's invention "provides a directed search engine that enable a user to retrieve information broadcast on television **without having to bookmark such broadcast information**". The examiner respectfully submits that the limitation argued by applicant is not recited in the claims and therefore will not be considered.

In light of the foregoing arguments, the 35 U.S.C 102 and 103 rejections are hereby sustained.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-



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4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Khanh B. Pham/  
Primary Examiner  
Art Unit 2166

November 13, 2008